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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,046	05/31/2001	Philip Shafer	1014-006US01	9030

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EXAMINER

TIV, BACKHEAN

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application N .		Applicant(s)	
	09/871,046		SHAHER, PHILIP	
	Examiner		Art Unit	
	Backhean Tiv		2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 10, 12-16, 21, 23-27, 32, 34-39 is/are rejected.
- 7) ☒ Claim(s) 1-33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Claims 1-39 are pending in this application.

Specification

The applicant is reminded to list all co-pending applications in the specification under the heading of: Related Applications.

The specification is objected to because on page 7, line 14, the applicant has listed a co-pending application, however did not list the co-pending application number.

The attorney docket number should also be deleted from the specification, page 7, line 16.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-5,10,12-16,21,23-27,32,34-39 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3-7,11 of copending Application No. 09/871,458 in

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view of US Patent 6,640,241 issued to Ozzie et al.(Ozzie). This is a provisional obviousness-type double patenting rejection.

Claims 1 and 3 of copending Application No. 09/871,458 recites all the limitations of claims 1,12,23,34-39 of this application except for the limitation of the management server module, in response to a selection made by a user, emits the replies for presentation in either a rendered or unrendered format.

Ozzie teaches management server module, in response to a selection made by a user, emits the replies for presentation in either a rendered or unrendered format(col.10, lines 23-45).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the method of application 09/871,458 to add the management server module, in response to a selection made by a user, emits the replies for presentation in either a rendered or unrendered format as taught by Ozzie in order to display data(Ozzie, col.10, lines 33-36).

One of ordinary skilled in the art at the time of the invention would have been motivated to combine application 09/871,458 and Ozzie to coordinate and maintain data pursuant to a data model(Ozzie, col.1, lines 23-27).

Claim 4 of copending application 09/871,458 recites all the limitation of claims 2,13,24 of this application.

Claim 5 of copending application 09/871,458 recites all the limitation of claims 3,14,25 of this application.

Claim 6 of copending application 09/871,458 recites all the limitation of claims 4,15,26 of this application.

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Claim 7 of copending application 09/871,458 recites all the limitation of claims 5,16,27 of this application.

Claim 11 of copending application 09/871,458 recites all the limitation of claims 10,21,32 of this application.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 34-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 34-37 recites the limitation "receiving replies", who or what is receiving the replies?

Claims 35-36 recites the limitation, "transmitting configuration requests and operational requests", who or what is doing the transmitting?

Claims 38-39 recites the limitation "receiving configuration requests and operational requests", who or what is receiving the request?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 34-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,212,559 issued to Bixler et al.(Bixler) in view of US Patent 6,510,434 issued to Anderson et al.(Anderson).

As per claim 34,35,36,37,38,39 Bixler teaches system comprising: a client interface to transmit configuration requests and operational requests(col.3, lines 42-67) to a network router, and receive replies from the network router(Fig.3B, elements 64,68); and a management server module that emits the replies to a user for presentation in either a rendered or unrendered form in response to a selection made by the user(Fig.4-18B); accessing a schema that maps the tags to configuration and operational information associated with a chassis module, a device configuration module, and a routing protocol module running on a network router(Fig.4-18B,col.2,line34-col.4,line30); accessing the information associated with the software modules(col.2,line34-col.4,line30); emitting replies according to the schema(Figs.1-18B,col.5, line23-col.6, line 54).

However, Bixler does not explicitly teach, using extensible markup language tags.

Anderson teaches using extensible markup language tags(Abstract).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the system of Bixler to using extensible markup language tags as taught by Anderson in order to locate desired information(Anderson, col.2, lines 35-39).

One of ordinary skilled in the art at the time of the invention would have been motivated to combine Bixler and Anderson to provide a system to locate information more easily(Anderson, col.1, lines 24-67).

Allowable Subject Matter

Claims 1-33 are objected to as being allowable if the double patent rejection is overcome.

The following is a statement of reasons for the indication of allowable subject matter:

None of the cited prior art discloses the combination together as a whole system of a network router management interface comprising:
a client interface that receives, from a network router client, configuration requests and operational requests encoded with extensible markup language tags; a storage device storing a network management interface schema that maps the extensible markup language tags to configuration and operational information associated with software modules running on a network router, the software modules including a chassis software module that defines an inventory of components in the network router chassis, a device configuration software module that defines a physical configuration of the network router, and a routing protocol module that administers protocols supported by the network router; a management server software module that parses the configuration requests and the operational requests received at the client interface and accesses the

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corresponding configuration and operational information associated with the chassis software module, the device configuration software module, and the routing control software module according to the network management interface schema, and emits to the client interface replies encoded with extensible markup language tags according to the network management interface schema, wherein the management server module, in response to a selection made by a user, emits the replies for presentation in either a rendered or unrendered format.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571)272-3941. The examiner can normally be reached on 9 A.M.-12 P.M. and 1 -6 P.M. Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Backhean Tiv
2151
12/9/04



ZARNI MAUNG
PRIMARY EXAMINER